

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

LATOYA BROWN, ET AL.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:17-cv-347 CWR-LRA

MADISON COUNTY, MISSISSIPPI, ET AL.

DEFENDANTS

MOTION FOR PROTECTIVE ORDER

Defendants, Madison County, Mississippi, and Sheriff Randall C. Tucker, in his official capacity, hereby move this Court, unopposed by Plaintiffs, for the entry of a protective order in this matter and would show unto the court the following:

1. Plaintiffs and Defendants voluntarily engaged in confidential settlement negotiations encompassing the resolution of this action before Honorable Linda R. Anderson.
2. The confidential settlement negotiations, which included the exchange of numerous settlement communications, participation in settlement conferences and conference calls with Judge Anderson, exchanges of numerous drafts of proposed agreements, and countless hours of time and effort expended by the parties and their counsel, ultimately resulted in the parties entering into two separate settlement agreements, a final Settlement Agreement and an Apartment Incident Agreement.
3. The final Settlement Agreement and Apartment Incident Agreement both contain confidentiality provisions that provide that their terms and conditions shall be maintained in strict confidence and shall not be released to any person or entity who is not a party, except under specific circumstances set forth in each Agreement.

4. The final Settlement Agreement and Apartment Incident Agreement further provide that the parties, jointly, will ask this Court to enter a separate Order providing for the confidentiality of both Agreements to prevent any of their contents to be released to anyone.

5. The parties, pursuant to the terms of the final Settlement Agreement, are jointly moving this Court for the entry of a Consent Decree. This Decree will be a matter of public record. The parties seek only to maintain the confidentiality of the contents of the final Settlement Agreement and the Apartment Incident Agreement.

6. The purpose of this agreement between the parties is to protect the confidentiality of the Settlement Agreement and Apartment Incident Agreement. Local Rule 83.7(j) provides that all proceedings involving ADR or settlement proceedings shall remain confidential and shall not be subject to disclosure, except under the narrow limiting circumstances found in Section (4)(A) – (D) of the Rule.

7. Defendants submit that this provision also encompasses the end result of settlement negotiations, *i.e.*, the parties' final Settlement Agreement and Apartment Incident Agreement entered into in this matter. Defendants further submit that a protective order requiring the confidentiality of the terms and conditions of these two Agreements will allow this Court to exercise its authority under its Local Rules to keep settlement negotiations and settlement agreements arising out of those negotiations confidential.

8. Due to the nature of the litigation between the parties, Defendants highly anticipate that outside parties will attempt to obtain the contents of the final Settlement Agreement and the Apartment Incident Agreement despite the parties' determining that the contents of these two Agreements shall remain confidential. Such attempt may be made through public records requests under the Mississippi Public Records Act, as well as through other legal proceedings.

9. Pursuant to Local Rule 7(b) (10), undersigned counsel has discussed Defendants' motion with counsel for Plaintiffs and understands Plaintiffs have no objection to the relief requested. Counsel for Defendants intend to submit a proposed protective order to the Court to which Plaintiffs have agreed.

10. Because Defendants' motion is unopposed by Plaintiffs, Defendants request that this Court waive the requirement of submitting a separate memorandum of authorities as required by Local Rule 7(b) (4).

WHEREFORE, PREMISES CONSIDERED, defendants move this Court to enter a protective order in connection with the final Settlement Agreement and Apartment Incident Agreement entered into between the parties finding and providing that the contents, terms, and conditions of these two Agreements shall remain confidential.

This the 23rd day of September, 2019.

Respectfully submitted,

**MADISON COUNTY, MISSISSIPPI and
SHERIFF RANDALL C. TUCKER, IN
HIS OFFICIAL CAPACITY**

BY: /s/ Rebecca B. Cowan

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